INVESTIGATIVE SUMMARY

On November 2, 1994, Sergeants Timothy Cornell and John Nemeth of the Internal Affairs Bureau, along with Lieutenant Dennis Burns of the Civil Litigation Unit, responded to [redacted] Shrode Avenue, in the unincorporated area of Monrovia, regarding a deputy involved shooting. The incident began at approximately 0223 hours when a call of a burglary in progress, person pulled from the telephone was received at Temple Station. Deputies Gregg Hopping, #[redacted], David Butler, #[redacted] and Jeffery Peterson, #[redacted], along with other deputy and supervisory personnel assigned to Temple City Sheriff's Station responded to the call. The incident culiminated with the death of the Suspect, Tomas A. Figueroa, a male hispanic 27 years of age at approximately 0515 hours.

I.A.B. NOTE: All civilian witness statements were taken from tape recorded interviews with an IAB Investigator and Sheriff's Homicide Detectives. Deputy Witness interviews were taken from their supplemental reports and copies of tape recorded interviews conducted with Homicide Detectives. All copies of taped interviews are currently on file at IAB.

Witness [redacted] ([redacted] of suspect Tomas Figueroa) told investigators that she and Tomas had been [redacted] for "quite some time." They have lived together for 10 years, and have been [redacted] for the past 5 years. She said she has been the victim of both mental and physical abuse during their relationship. The physical abuse has increased over the past 8 or 9 months and as a result, she obtained a restraining order against Tomas (Exhibit A is a copy of the valid TRO).

[redacted] said Tomas seemed to drink alcohol daily, but it was hard for her to discern when he was actually drunk. However, when he would drink, she noticed an increase in the amount of physical abuse he used against her during arguments. Tomas called her at around midnight on November 2, 1994, and wanted to talk. She told him she didn't want to talk with him due to the late hour and hung up the telephone.

[redacted] said at approximately 0200 hours she was awakened by the crying of her infant daughter, [redacted]. She went to [redacted]'s room, picked her up and took her back to her bedroom. She said she turned on the television set and began comforting [redacted], when suddenly the television set and all of the electrical power to the house went out. She then heard noises coming from the kitchen door (Exhibit B) and became frightened.

[redacted] said her [redacted], Witness [redacted], came into her bedroom and took charge of [redacted], while she, [redacted] went into the living room and looked out the window. She saw Tomas' truck parked outside and heard him trying to break in through the kitchen door. She went to the kitchen door, because the telephone is located next to the door and yelled at Tomas to leave, threatening to call the police if he didn't.

[redacted] said Tomas began pleading with her to let him in and she refused, telling him it was 2 o'clock in the morning and that he was scaring the kids. She again told him he needed to leave, threatening to call the police if he didn't, and when he refused, she picked up the telephone and dialed 9-1-1. She said Tomas must have overheard her talking on the telephone and suddenly broke the door open and entered the kitchen.

[redacted] said as Tomas burst through the door, she could tell he was drunk, as he was "not acting right" and she could smell the odor of alcohol on him. He made the statement "I am just here to tell you that it is all through," or words to that effect. She said Tomas went to the kitchen drawer,

grabbed a knife and began stabbing himself.

[redacted] said the deputies had arrived just at that moment and were standing at the kitchen door about to enter. She began yelling that Tomas had a knife and that he was stabbing himself. The deputies shined their flashlights at Tomas and he began running through the living room, with the deputies giving chase. Tomas ran into their [redacted], [redacted]'s bedroom (north west bedroom) and closed the door behind him.

[redacted] said the deputies yelled at Tomas several times to open the door, however, he refused. The deputies then tried to kick the door open, but they were unable to gain entry. She began yelling at the deputies not to kick the door or shoot through it, because [redacted] was still inside. She added that at one point, she heard [redacted] say "he has a knife to his neck."

[redacted] said at that point, the deputies asked her if there were any guns in the house and she told them "no." The deputies then escorted her, Witness [redacted] and her [redacted], Witness [redacted], who was also in the house, to a nearby police car. They were subsequently taken to the Command Post (CP) by deputy personnel.

[redacted] said a short while later, deputy personnel asked her if Tomas had any close friends who might be able to help out with the situation. She told them she didn't know of anyone and they responded by asking her if she would help in attempting to talk Tomas into surrendering. She agreed to help and was asked to write Tomas a note.

[redacted] said she wrote a note to Tomas, asking him to let [redacted] go, and to put the knife down. She was informed a short while later that the note didn't work, and was asked to tape record the message, so it could be played for Tomas. She agreed to this arrangement and taped a message for Tomas, pleading with him to let [redacted] go, and to listen to what the deputies said.

[redacted] said the tape recording didn't work either and she was then asked to go back to the house and talk with Tomas. She agreed and was taken back to the house, where she initially talked to him from the front door and later from the doorway separating the living room from the kitchen (Exhibit C).

[redacted] said she pleaded with Tomas to give up and to let [redacted] go, however, he refused. Tomas told her he wanted to talk to his [redacted], (Witness [redacted]), so the deputies made a call and [redacted] responded. [redacted] also spoke with Tomas from the same kitchen doorway where she had previously talked to him. During that conversation she walked outside and stood near the garage.

[redacted] said she was concerned for [redacted]'s safety throughout this incident, as Tomas was "really drunk" and she didn't know what he would do. She told investigators Tomas had threatened to kill her and then himself approximately 2 months prior to this incident.

Witness [redacted], 8 years old, said he was asleep in his bed (Exhibit D) when he was awakened by the shouting of [redacted]. The police were at his house and his [redacted], Tomas, came into his bedroom and closed the door. He said the deputies told Tomas to come out of the bedroom, but Tomas refused, saying he was going to kill himself if they came in the bedroom.

[redacted] said Tomas wanted to talk to his [redacted], [redacted], but the deputies told Tomas to let him, [redacted], go. Tomas said he wanted to talk with [redacted] first, and the deputies offered him a trade.

The deputies said they would let Tomas talk with [redacted] if he gave them "either the knife or the kid."

[redacted] said he called to his [redacted], telling her his [redacted] would not let him leave the room. He said he was very scared, because Tomas was holding the knife to his own neck and was going to cut himself. He said Tomas had his back to the door, and was "pushing with his feet," so the deputies couldn't get in the room.

[redacted] said the deputies were by the window next to his bed (Exhibit E depicts view of north window from rear of residence) and had removed the bars, telling him to "come on...come on." He was afraid to go to the window, because Tomas kept telling him to get off of the bed and come to him. He didn't know what to do, so he just stayed on the bed. He told investigators Tomas threatened to hit him with a belt if he did not obey. [redacted] still stayed on the bed, because he was afraid Tomas would hurt him, or one of the deputies, with the knife. He thought Tomas probably would have thrown the knife at him or the deputies if he attempted to climb out through the window.

[redacted] said the deputies shined a flashlight on the knife, as Tomas held it to his neck. The light came from the other bedroom window (west window) and it enabled him to see Tomas.

[redacted] said the deputies were still knocking on the door and finally got it open, causing Tomas to hit his head. The deputies then threw some "little balls, like gas bombs," inside the room. These items made noise like a firecracker and caused a lot of smoke, (apparently referring to Arwen rounds fired Exhibit F). This scared him, because he didn't know what these items were. He thinks Tomas was hit by these, but he is not sure, because he went out the window toward the deputies. He said he decided to go out the window, because Tomas was not looking at him, the deputies told him to, and because the "noisy firecracker things" (Arwen rounds) scared him.

[redacted] said Tomas had been drinking and sounded drunk. He has seen Tomas drunk "a lot of times," and indicated he drinks Budweiser beer. He told investigators how he has seen [redacted] fight on previous occasions, and explained how he had not seen his [redacted] for 5 or 6 days prior to this day. [redacted] indicated he was not injured during this incident.

Witness [redacted] ([redacted] of Tomas) stated she lives at the residence with [redacted] and indicated Tomas called on her telephone line at approximately 0030 hours. She said he called on her telephone, because [redacted]'s telephone was off the hook. Tomas told her how much he missed and loved [redacted] and he wanted to talk to her. She called [redacted] to the telephone and [redacted] spoke with Tomas.

[redacted] said she heard [redacted] say something about counselling and then something to the effect of being tired. [redacted] then hung the telephone up and retired to her bedroom. [redacted] mentioned something to her to the effect that Tomas was drunk. [redacted] said Tomas did not sound drunk to her, but sounded rather sad. [redacted] said at this point, she went on back to sleep. The next thing she knew, she was awakened by her [redacted] Witness [redacted], who told her Tomas was breaking into the house and directed her to call 9-1-1, which she did.

[redacted] said by the time she got into the living room, two deputies were already there and Tomas had already locked himself in [redacted]'s bedroom. She yelled at Tomas to "get out" and that [redacted] "did not need to see all of this." She could hear Tomas talking to the deputies, but she could not understand what he was saying.

[redacted] said she stayed in the living room for about 1 minute and observed one of the deputies trying to break down the bedroom door, by using his shoulder. She never saw Tomas at all and was subsequently escorted to the CP.

[redacted] told investigators she has lived at the location for 8 years and was aware of the fact [redacted] had obtained a restraining order against Tomas because he hit her.

Witness [redacted], ([redacted] of Tomas and also lives at the location), stated she remembers Tomas calling around midnight on November 2, 1994. She heard [redacted] talking on the telephone with Tomas, but she did not hear what they were saying. She said she was in her bedroom alone at this time.

[redacted] indicated that a short while later, she heard [redacted] crying and realized [redacted] was talking to someone, telling them not to enter the house. Since [redacted] was not paying attention to [redacted], she retrieved [redacted] and started toward her bedroom. As she approached her bedroom, she heard the breakage of the kitchen door. She said the lights were off and indicated Tomas had turned them off.

[redacted] said she then saw Tomas go into the kitchen, open a drawer and get out a knife. She thought Tomas was going to hit [redacted], so all she thought about was taking [redacted] to her bedroom. She saw Tomas hitting himself, rather than [redacted] and at that point, she ran into her bedroom with [redacted].

[redacted] indicated she was escorted from the residence and taken to the CP by deputy personnel. She said she did not hear any shots fired during this incident and did not see anything else.

Witness [redacted] stated at approximately 0444 hours on November 2, 1994, her [redacted], [redacted] received a telephone call from the deputies, requesting him to respond to the location. She got into the car with [redacted] and they drove to the residence. They parked about 1 block away from the house and she stayed in the car while [redacted] went into the house with the deputies.

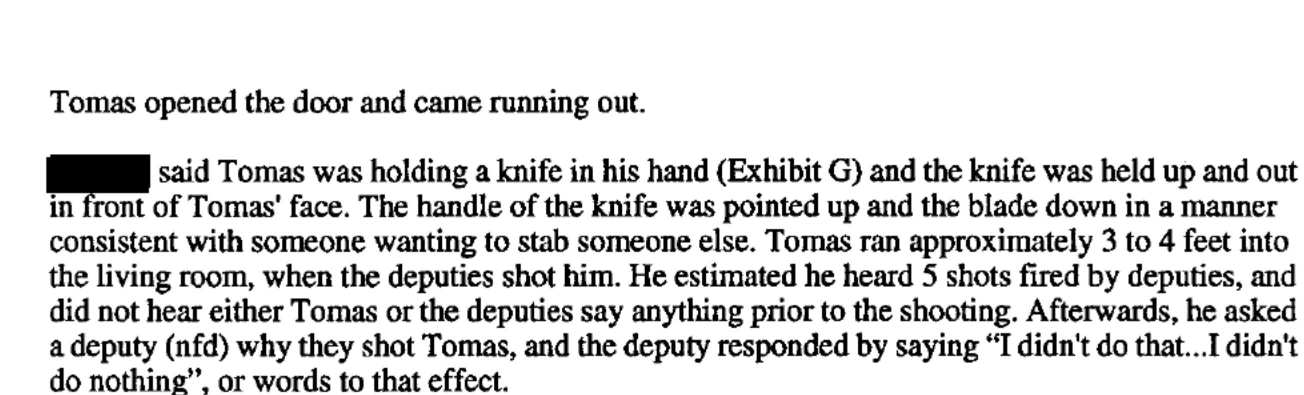
[redacted] said she sat in the car for approximately 5 to 10 minutes and then she heard approximately 6 gunshots. About 1 minute later, [redacted] returned to the car and told her the deputies killed Tomas. She said they then left the location and returned home.

I.A.B. NOTE: [redacted] and [redacted]'s interviews were conducted in Spanish and interpreted by Desk Operations Assistant, Maria Sigala, #[redacted], assigned to Temple Station.

Witness [redacted] confirmed he received the call from deputies requesting his presence at the location. He said he was told the deputies wanted him to talk to Tomas.

[redacted] said upon his arrival, the deputies explained the situation to him and escorted him inside the residence. He spoke with Tomas from the doorway between the kitchen and living room (Exhibit C). He could hear Tomas responding to his remarks, he could not understand what he was saying.

[redacted] said after approximately 5 to 10 minutes, he heard a voice on the deputies radio say "hit the door," at which time a deputy near the bedroom door, kicked the door with his boot. The door came open a "little bit" and then closed again. [redacted] said approximately 10 to 15 seconds later,



Tomas opened the door and came running out.

[redacted] said Tomas was holding a knife in his hand (Exhibit G) and the knife was held up and out in front of Tomas' face. The handle of the knife was pointed up and the blade down in a manner consistent with someone wanting to stab someone else. Tomas ran approximately 3 to 4 feet into the living room, when the deputies shot him. He estimated he heard 5 shots fired by deputies, and did not hear either Tomas or the deputies say anything prior to the shooting. Afterwards, he asked a deputy (nfd) why they shot Tomas, and the deputy responded by saying "I didn't do that...I didn't do nothing", or words to that effect.

[redacted] said the lights were on in the living room and kitchen during the shooting and described the lighting conditions as "good." The deputies in the living room were hiding behind the sofa as Tomas exited the bedroom. [redacted] does not believe that Tomas was running directly at the deputies. He provided the opinion that the deputies didn't need to shoot Tomas, as he felt Tomas was trying to run out the front door of the residence, which was directly in front of him. He said the manner in which Tomas ran out of the room could have been considered threatening, if someone were standing directly in front of him.

[redacted] was then asked if the front door was open, and he said upon his arrival it was, and 1 or 2 deputies were standing outside the door. He said however, he is not sure if the door was still open when Tomas ran into the living room as described above. [redacted] was asked if he heard any shooting in the bedroom just prior to Tomas exiting, and he stated he did not.

I.A.B. NOTE: The following interview summary was taken from the tape recorded interview with Lieutenant Fortner and Homicide Detectives on November 2, 1994. That tape is currently on file at IAB.

Lieutenant George (Rocky) Fortner, #[redacted], stated he was the early morning Watch Commander at Temple Station during this incident. At approximately 0230 hours, he was notified that units were responding code-3 to a "Burglary in progress call" at the location and that the initial unit to arrive had made contact with Suspect Tomas Figueroa. He was further advised that Tomas had obtained a knife from the kitchen and had stabbed himself.

Fortner said he also learned that deputy personnel had chased Tomas to a rear bedroom of the house, where he slammed the door and barricaded himself, along with [redacted]. He was told the deputies had evacuated other residents of the house and advised the desk personnel of a possible barricaded suspect with hostage situation.

Fortner said at his direction, notifications were made to the Crisis Negotiation Team (CNT), the Special Enforcement Bureau (SEB), the station Captain, and the On-duty Commander. Per his direction each of these units and individuals were to be briefed regarding the situation.

I.A.B. NOTE: In a subsequent interview with Deputy Mark Hoefler, #[redacted], he confirmed he had conversations with Lieutenant Fortner and Temple Station desk personnel. He said he activated CNT and assured Fortner that SEB has a stand-by team that could respond if needed.

Fortner said he then responded to the location, where Sergeant Louis Duran, #[redacted], had set up a command post, where paramedics were standing by and where Sergeant Steven Biagini, #[redacted], had set up containment.

Fortner said as he approached the residence, he observed Deputy Dawna Jennings, #[redacted], standing at or just outside the front door and Deputies Peterson, Butler, Hopping and Harry Drucker, #[redacted], inside the living room. Drucker appeared to be conversing with the suspect through the closed bedroom door and was attempting to pass him a note under the door.

Fortner said he travelled down the west side of the residence toward the back and encountered Deputy Albert Verduzco, #[redacted], who was shining a flashlight through the west bedroom window and illuminating the suspect. As he turned the corner and arrived at the north bedroom window, he encountered Deputies Anthony Van Beek, #[redacted], Scott Hutter, #[redacted], and Sergeant Barry Perrou #[redacted], of CNT, who was discussing various options with the deputies.

Fortner said he was informed the deputies had removed the security bars and the screen from the north bedroom window. He observed that the window, which was a sliding type, had been opened approximately 2" and as he looked inside, he could see Tomas, who was being illuminated by Verduzco's flashlight. Tomas was seated on the floor with his back to the door, facing north. Tomas was holding an approximate 12" butcher knife to the left side of his throat with both hands. He could see [redacted] lying on the bottom bunk bed adjacent to the north window.

Fortner said he could hear Tomas responding to Drucker's questions and noted that Tomas appeared to be on an "emotional roller coaster" and sounded intoxicated. He said in his estimation, it was clear that this was a barricaded situation, however, he was not sure if it was a hostage situation or not. He learned that [redacted] was Tomas' [redacted] and could see that [redacted] was approximately 7 and 10 feet away from Tomas. Tomas had made no attempts to close that distance. He added that Tomas had not given them any indication he was directing any violence at [redacted] at that time.

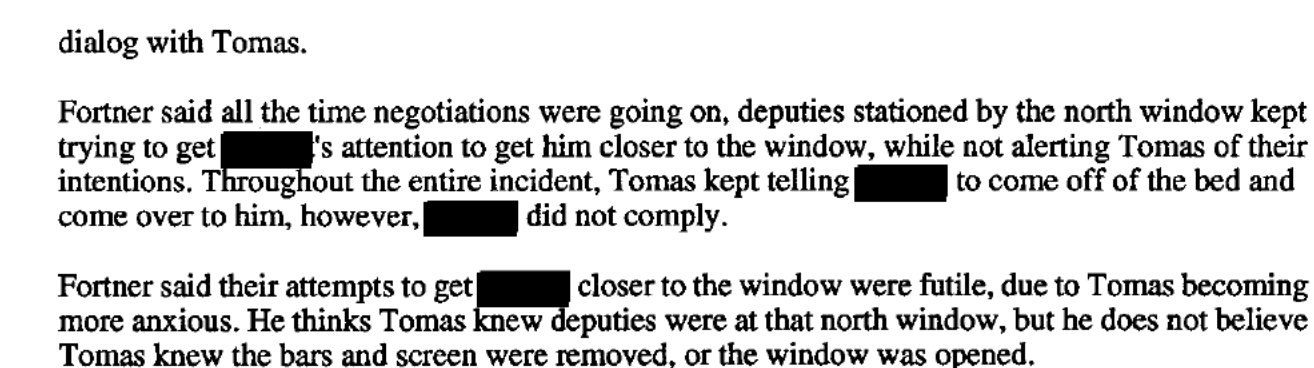
Fortner said he was of the opinion that as long as the dynamics of this scenario did not change, they could negotiate with the Tomas indefinitely. He felt however, that if those dynamics did change, they needed a plan to extricate [redacted] from the bedroom.

Fortner said his plan was to have a deputy stand by the north window and slide it open, while another deputy reached inside the window and extracted [redacted] A sergeant would also be at that window, armed with the Arwen to deter any attempt made by Tomas to get to deputy personnel or [redacted]. He personally advised the deputies in front of the location of the plan.

Fortner said during the formulation of his plan, Drucker carried on negotiations with Tomas. At one point, they had Witness [redacted] tape record a message, which they played for Tomas. This tape recorded message seemed to upset Tomas, because Tomas indicated his [redacted]'s message sounded like she was more concerned about the welfare of [redacted], than their relationship.

Fortner said he had CNT personnel talk with [redacted] and tell her how to phrase things, so as not to upset Tomas further. He made the decision to allow [redacted] to be brought forward to communicate with Tomas through the closed door. This event seemed to agitate Tomas even more, because he began making statements like "it's all over now...I am going to end this all...you can go out and have fun...you don't have to worry about it," or words to that effect. Fortner only heard portions of these statements, as he was conversing with deputy personnel and Sergeant Perrou.

Fortner said he thought as long as Tomas did not close the distance between himself and [redacted], negotiations could continue. At the same time, he was trying to read Tomas' body language, anxieties and frustrations and they seemed to get higher and higher when he spoke with [redacted]. As a result of this, he ordered those negotiations with her stopped and had Drucker re-establish a



dialog with Tomas.

Fortner said all the time negotiations were going on, deputies stationed by the north window kept trying to get [redacted]'s attention to get him closer to the window, while not alerting Tomas of their intentions. Throughout the entire incident, Tomas kept telling [redacted] to come off of the bed and come over to him, however, [redacted] did not comply.

Fortner said their attempts to get [redacted] closer to the window were futile, due to Tomas becoming more anxious. He thinks Tomas knew deputies were at that north window, but he does not believe Tomas knew the bars and screen were removed, or the window was opened.

Fortner said at one point, Tomas demanded to talk with his [redacted], [redacted]. They contacted [redacted] through CNT and had him respond to the location. As [redacted] talked with Tomas, Tomas' emotional level heightened and he began telling everyone good-bye in Spanish. Tomas was becoming more and more insistent on [redacted] coming to him and in his opinion, [redacted] was getting closer and closer to complying.

Fortner said he could not allow this to happen, because he was afraid Tomas would hurt [redacted]. He remembers seeing a "red line" on Tomas' neck from the knife and felt he was serious about suicide (Exhibit H). He did not want Tomas to "take [redacted] with him," if he was bent on suicide. Fortner said during this incident, he heard Tomas say on more than one occasion, "why don't you just shoot me...go ahead and shoot me," or words to that effect.

Fortner said he was concerned, due to past experiences as a deputy in similar situations, that Tomas would either stab [redacted], or use [redacted] as a shield, and he did not want the scenario to get any worse. He made the decision that on the count of 3, they would put their plan into action. By using less than lethal force, (the Arwen), he felt they could keep Tomas off balance, or on his back while they got [redacted] out of the bedroom. Since he could not predict the outcome of this incident, and realizing the possibility of a confrontation with Tomas, he requested paramedics respond from the CP to the front of the house.

Fortner said they created a diversion by having Drucker kick on the bedroom door to get Tomas' attention, and simultaneously Van Beek reached in through the now open window and attempted to grab [redacted] (Exhibit I). Van Beek initially had some trouble holding on to [redacted], due to some loose fitting clothes [redacted] was wearing. Sergeant Duran immediately fired two rounds from the Arwen, which struck Tomas in the upper torso. Van Beek was successful in pulling [redacted] out of the window and he noticed the Arwen rounds seemed to have little or no effect on Tomas, who now stood up.

Fortner said Duran fired a third Arwen round at Tomas, who groaned, moaned and started growling at them. Tomas then changed the position of the knife, from that of by his neck with both hands, to one where he held it in his right hand, with the blade pointing down. Tomas stood fully upright and Duran then fired a 4th and possibly 5th Arwen round at him. Tomas was struck in the upper torso, possibly the right shoulder, which spun him slightly.

Fortner said that with [redacted] now safely out of the room, the deputies who were standing by the north window, had moved away. He then started moving along the west side of the house, toward the front, believing he had time to warn the other deputies that Tomas may be coming out of the bedroom door. Fortner said he got about half way to his destination when he heard someone yell "no...no drop the knife...no." This was followed by approximately 8 to 10 gunshots.

Fortner said as he arrived at the front of the house, the front door was standing open and he could see Tomas lying face down on the living room floor, with the knife lying off to Tomas' right. He immediately cleared the residence of deputy personnel and called for the paramedics to treat Tomas. The paramedics entered the location and pronounced Tomas dead. Fortner contained the scene and made the proper notifications.

On January 10, 1995 at approximately 0020 hours, Lieutenant Fortner was interviewed by IAB Investigators. During that interview, Fortner was asked to explain his mind set during the incident and his rationale for not requesting SEB to assist him in his efforts to resolve the matter.

Fortner stated that upon his arrival at the location he was briefed at the CP and then responded to the residence. Once at the residence, he assessed the situation by speaking with Duran, Biagini, Perrou and deputy personnel deployed there.

Fortner said based on his observations coupled with input from these individuals, he assessed the situation as an intoxicated misdemeanor suspect who was emotionally upset and distraught, and was holding the knife to his own throat. He said clearly Tomas was barricaded, in that he did not want to come out and talk with deputies. However, he was very congenial to [redacted] and made no threats to harm him, or to close the distance (approximately 7 feet) between them.

Fortner said based on his assessment, nothing suggested to him that [redacted] was a hostage. [redacted] was probably asleep when Tomas first entered the room, and he could not say if Tomas even knew [redacted] was in the room when he ran in there. He said if Tomas wanted a hostage, he would have been holding the knife to [redacted]'s throat, not his own. He felt Tomas was so concerned with himself and the situation that he was not even paying any attention to [redacted] at that time.

Fortner said he did not request SEB to deploy on this situation, because in his mind what they had was a violation of a court order, and not a hostage situation. He said his understanding at the time, was that SEB deploys on hostage situations wherein a felony crime has occurred. Fortner said in over 20 years of law enforcement experience, he has never had occasion to utilize SEB. He expressed faith in their capabilities, but stated he felt he did not have enough to justify having them respond.

Fortner said he realized the dynamics of this situation could change rather rapidly, and told IAB Investigators this was his first such incident as a Watch Commander. As a result, he relied heavily on Perrou's expertise and experience from a psychological standpoint, regarding Tomas' state of mind. His intent was to negotiate with Tomas and resolve the incident. He indicated however, he still had concern for [redacted]'s welfare and as a result of that concern, he, with the assistance of Duran, Perrou and others, established the plan to remove [redacted] if it became necessary.

Fortner said he felt as long as Tomas did not threaten to harm [redacted] or approach him thus changing the dynamics, they would resolve the incident. He felt time was on their side and eventually through negotiations Tomas would sober up and realize they were not going to hurt him and surrender. At no time did he think the situation would deteriorate to the point where they would need to deploy SEB.

Fortner said he was further encouraged in his thinking, throughout the course of the next two hours, by Tomas' statements indicating he would put the knife down if they let him speak to his [redacted] He allowed this conversation, but moments into it, realized that [redacted] only incited Tomas and

made matters worse. For that reason, he ordered the conversation discontinued and had [redacted] removed from the area. Tomas did not put the knife down or surrender, but demanded to talk with [redacted], a man whom Fortner had learned Tomas respected.

Fortner said he agreed to allow Tomas to speak with [redacted], feeling it might be a fresh approach, and that Tomas might surrender. [redacted] initially seemed to have a calming effect on Tomas and Fortner believed [redacted] was the person who was finally going to talk Tomas out and resolve the situation.

Fortner said for the most part he was in the rear of the location watching Tomas through the window and evaluating his response to [redacted] and [redacted]. However, he made numerous trips to the front in order to advise personnel of various things, including the plan for extrication if necessary. He did not use the radio for fear Tomas would overhear his transmissions and also so he did not to take up air time. The personal safety of both civilians and deputy personnel was of paramount importance, and he placed people in the safest positions possible.

Fortner said the last 5 minutes of dialog between [redacted] and Tomas became worse, not for what [redacted] was saying, but because he felt Tomas had come to terms with dying. Tomas began talking to his [redacted] who was not anywhere near. He said he confirmed his suspicions with Perrou.

Fortner said he decided implement the tactical plan when Tomas ordered [redacted] to come over to him "right now." The voice inflection was much stronger than before and not knowing if [redacted] would obey this order from his father, or if Tomas would now approach [redacted] if he did not obey, he felt he had to rescue the child.

Fortner said he had no doubt the Arwen would work and effectively neutralize Tomas, should it become necessary to use it on him. He has personally trained with the Arwen and has seen it used effectively against inmates during custody riots. His understanding is that the same round is utilized in patrol as is used in custody. He had no intent to hurt Tomas and felt utilizing the Arwen was the appropriate method to cease any attack which might occur against [redacted].

Fortner said he did not have any indication or information which would have led him to believe Tomas would elect to charge out of the bedroom at the deputies. He felt they could successfully resolve the situation through negotiations. He related he has been involved in similar incidents both in custody and patrol throughout the course of his career, which have been resolved solely through negotiating with the suspect.

Fortner said time was on their side, until Tomas' mental state changed to where he was possibly willing to jeopardize the safety of [redacted]. At that point, he had to remove [redacted] from the bedroom for his own safety, and Tomas dictated what followed.

Sergeant Barry Perrou, CNT, he said he responded to the location within approximately 30 minutes and upon arrival he saw deputies covering the front of the house.

Perrou said he met with Duran, gathered information regarding the situation and observed Tomas through the west bedroom window. He observed Tomas to be seated in the same position as did Fortner. He then walked to the north side of the house, where he was informed by deputy personnel that they had removed the security bars and opened the window.

Perrou said he looked through the north window and saw [redacted] lying on the bottom bunk bed

looking at his father. Negotiations between Drucker and Tomas seemed to be going well, so he did not intervene. Lieutenant Fortner had arrived on scene and they began to formulate a plan to extract [redacted] if the distance between Tomas and [redacted] diminished.

Perrou described the same tactical plan as Fortner adding that [redacted] would be pulled out of the window as low as possible, while Duran went as high as possible, deploying the Arwen. This was in order to avoid any possible injury to [redacted] from the Arwen.

Perrou said he suggested they have Paramedics look at Tomas through the window and Paramedic Cox, responded from the CP. Perrou asked Cox how long it would take for Tomas to bleed to death, if he slashed his throat. He was informed it could be as quickly at 2 to 3 minutes, depending on the depth of the laceration. Perrou added that based on this information, they placed the hospital on notice, and ordered an ambulance to the front of the location.

Perrou said when other CNT team members arrived, he placed Romero with Drucker to assist in negotiations. He did this because Drucker was running out of things to say and was not being creative. He did not want to insert a new negotiator into the problem, because Drucker and Tomas seemed to have a good relationship, and Tomas knew Drucker's voice.

Perrou said he entered the house to hear Tomas' voice several times throughout the course of the incident and to ensure deputy personnel were clear on the tactical plan. During this time Tomas kept asking to speak with [redacted] and Perrou relayed the same information regarding the hand written note and eventual use of the tape recorded message of encouragement from her as was told by Fortner.

Perrou said Romero assisted [redacted] in recording the message and then played it at the door for Tomas. Neither the note nor the tape worked because Tomas indicated [redacted] was not showing enough concern for him or their relationship. In his opinion, Tomas felt abandoned and suicidal. He watched Tomas' response to the tape from outside the north window because he did not know how Tomas would react to it, due to his level of intoxication. He wanted to be in a position to provide as much information as possible to the deputies in the living room.

Perrou confirmed that throughout the incident he stayed close to Fortner and they continually reviewed their progress with one another. At approximately 0508 hours, Duran mentioned that they would lose darkness within approximately 25 minutes. He and Fortner felt the darkness was a big tactical advantage and that once it got light outside, they would not be able to rescue [redacted] from the north window if it became necessary.

Perrou indicated that at one point, Tomas' body language suggested he may be starting to doze off, even though he was still requesting to talk with [redacted]. He felt speaking to [redacted] might be the audience Tomas was seeking and this is why they allowed her to speak to him through the door.

Perrou said [redacted] was coached by CNT members as to what she should say to Tomas. He agreed with Fortner's assessment that [redacted]'s conversation seemed to agitate Tomas. Perrou said Tomas became more animated and began to focus more on [redacted] by making eye contact with him. [redacted] was also present in the kitchen area of the house and was also talking to Tomas.

Perrou said he believed Tomas was feeling the emotions of the restraining order and the end to a long relationship. Tomas was speaking in Spanish as well as English and was saying "this is it...it's over...I am done." He confirmed Fortner's statement that Tomas ordered [redacted] to come over

toward him in a much more stern voice. He added that Tomas now appeared more agitated and this agitation was escalating.

Perrou said his concern was that [redacted] was going to comply with his father's order which would have afforded Tomas a human shield. Tomas' actions were now even more unpredictable, due to his highly agitated state of mind. He confirmed Fortner's statement that it was at this time they decided to execute the tactical plan.

Perrou said he gave the 3 count over the CNT portable radio's, while Fortner gave it over the 480 radio system. As the plan unfolded, he assisted Van Beek in pulling [redacted] out of the window. Duran fired 3 Arwen rounds at Tomas as Tomas stood up. Each of the rounds hit Tomas and not one seemed to have any effect on him.

Perrou said as Tomas stood fully erect, Duran shot him a fourth time with the Arwen, and it too had no effect. Tomas quickly took the knife from a two handed grip at his own throat, to a one handed over head stabbing position. Van Beek immediately removed [redacted] from the rear window, as Tomas pulled the bedroom door open and exited.

Perrou said Tomas ran out of the bedroom at the deputies, with the knife held up in his hand. He then heard several shots and later observed Tomas lying dead in the living room. After the shots were fired, he ordered Van Beek to release [redacted] to [redacted].

Witness [redacted], Supervising Psychiatric Social Worker, stated she was notified of this incident at approximately 0300 hours and requested to respond by Sergeant Perrou. She arrived at approximately 0415 hours and was briefed by Perrou, who told her his primary concern was to get [redacted] out first, and then Tomas, without hurting either of them.

[redacted] said she contacted [redacted], who related substantially the same information to her as is written above. [redacted] told her Tomas was drunk, dangerous and suicidal. [redacted] also told her Tomas had beat her up two weeks prior to this incident and had also cut her face with a knife at that time. She tried to obtain more information, however [redacted] was too distraught and not focused enough to provide much more background.

[redacted] said she related some of this information to Perrou and briefed other CNT personnel as they arrived on scene. She eventually went to the rear of the location and observed Tomas through a window, indicating he appeared to be agitated. She was aware of [redacted] being called and she eventually ended up in the kitchen while he spoke with Tomas.

[redacted] said [redacted] spoke with Tomas in both English and Spanish, and she heard him tell Tomas to "please come out" several times. Suddenly she heard some noises, but was not sure from where, and then voices, but could not understand the words. This was followed by the sound of gunshots and shortly thereafter, Perrou came to the kitchen and told her to go comfort [redacted].

[redacted] said she never saw Tomas come out of the bedroom, nor did she see him enter the living room. She did not see the deputies fire shots at him, nor did she see him hit the floor. The remainder of her involvement in this incident was spent with [redacted] and providing crisis intervention for the family.

Deputy Gregg Hopping stated he and his partner, Deputy Butler, had the handle on the call. Upon their arrival at the location, they observed a red pick up truck parked in front of the house (Exhibit

K). The truck was vacant and had the driver's door standing open. As they approached the truck, Butler checked the interior and then set the emergency brake.

Hopping said he and Butler then went down the driveway and found the kitchen door wide open and noted damage to the door jamb (Exhibit L), indicating forced entry. Together they illuminated the interior of the kitchen, and encountered [redacted] and Tomas. [redacted] was yelling "he's in here...he has a knife." She also yelled for Tomas to "put the knife down."

Hopping said Tomas then stepped out from behind the door and turned slightly away from them while making stabbing motions toward his lower abdomen and leg area. As he did this, [redacted] began yelling "oh my God, he is stabbing himself." Hopping feared for [redacted]'s safety and in an effort to gain control of Tomas, he and Butler stepped inside the kitchen and ordered Tomas to lay the knife down. Tomas immediately ran westbound through the house, turned northbound and entered the northwest bedroom, closing the door behind him.

Hopping said [redacted] began screaming that [redacted] was in the bedroom and that she feared Tomas was going to stab him. He and Butler followed Tomas and attempted to gain entry into the bedroom by ramming the door with their shoulders and kicking it with their feet. They were unable to gain entry, determining that Tomas had wedged his body in front of the door. At this point, Butler initiated an assistance request via his 480 radio and set up containment on the house.

Hopping said he then spoke to Tomas and asked him to drop the knife and come out. Tomas refused and made several statements that he wanted to "get back together" with [redacted]. The first assisting units on the scene were Deputies Drucker, and Hutter. Hopping told them there was a barricaded suspect with a hostage in the bedroom and requested Drucker notify SEB of the situation. He was later informed by Drucker that Drucker did make the notification.

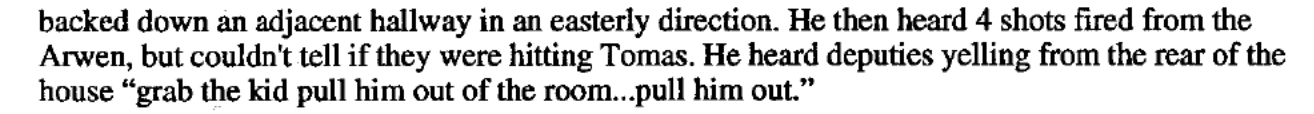
Hopping confirmed that Deputies Van Beek and Verduzco took up a position at the rear of the house. He also confirmed Sergeant Duran arrived shortly thereafter and deployed the Arwen, while taking up a position at the front door of the location. He indicated that Drucker had now started negotiations with Tomas and continued speaking with him in an effort to get Tomas either to lay down the knife and surrender, or to release [redacted]. Tomas continually refused to do either.

I.A.B. NOTE: Hopping told investigators that upon their arrival the house was completely dark, however, within 10 to 15 minutes, they determined the main power switch had been turned off and after locating it, power was restored.

Hopping stated that Fortner and representatives from CNT subsequently arrived and CNT deputies assisted Drucker during negotiations with Tomas. He reiterated the several methods used by negotiators to get Tomas to surrender. At one point during the lengthy negotiations, he heard Tomas say "I am coming out running and you will have to shoot me...I am coming out running." Hopping said Duran and Biagini directed he and Butler to be cover deputies, so they positioned themselves behind the couch on the southeast corner of the living room. Peterson was directed to be an arrest deputy and he was positioned near the kitchen.

Hopping said once [redacted] spoke to Tomas, the situation became worse and Fortner came in the living room and advised all the deputies that the tactical plan was going to be implemented. He then reiterated the plan for investigators, which was the same as mentioned by Fortner.

Hopping said once Fortner gave the cue to initiate the plan, Drucker kicked on the door and then



backed down an adjacent hallway in an easterly direction. He then heard 4 shots fired from the Arwen, but couldn't tell if they were hitting Tomas. He heard deputies yelling from the rear of the house "grab the kid pull him out of the room...pull him out."

Hopping said he heard via the radio that the child was out of the room. The bedroom door then opened up and he could see Tomas. Hopping aimed his firearm at Tomas and heard Tomas say "you are going to have to kill me," or words to that effect.

Hopping said Tomas then ran out of the open door with his right hand raised high, holding the knife. Tomas was yelling and ran directly at Butler, who was behind the couch near the front door. Hopping feared for Butler's life, and felt everyone in the room was in danger. He then fired several rounds at Tomas (later determined to be 5 rounds), and Tomas fell to the floor.

Deputy David Butler provided substantially the same information as Deputy Hopping. Butler added that after Tomas barricaded himself in [redacted]'s bedroom, and prior to the arrival of assisting units, he went to the rear of the house for containment purposes. He held that position until the arrival of assisting units and after they replaced him, he returned to the living room.

Butler said he and Hopping took up positions behind the sofa near the south wall of the living room. He was directly in front of the bedroom door during negotiations and was responsible for covering the door, in the event Tomas came running out. He confirmed that at one point, Verduzco came to him and borrowed his "Leatherman's tool" which he carries on his sam browne belt and used it to remove the security bars on the north bedroom window.

Butler said that 5 or 6 times during the course of negotiations Tomas told deputies "maybe I should just run out and it will be all over... you guys will just shoot me." Each time Tomas said this, Butler heard Drucker counter with "no, we don't want to shoot you, why don't you just give up?" He heard Tomas respond on one occasion that he did not want to give up, because then the deputies would put him in jail and he would still be in pain.

Butler said once [redacted] began talking to Tomas, things began to get "scary" because Tomas ordered [redacted] to go to him and give him a kiss, thus closing the distance between them. He also heard Tomas telling [redacted] there was nothing after this and there was no future. Shortly thereafter, he was notified by Fortner that they were going to initiate the tactical plan.

Butler said he heard the 3 count on the radio and Drucker kicked on the door. This was followed by a lot of commotion in the bedroom, which he believed was deputy personnel subduing Tomas. He knew deputies were going to shoot Tomas with the Arwen if necessary, and figured it would knock him down. The bedroom door then opened and he got up and moved to his right for a better view of the room.

Butler said he expected to see a deputy at the door and not Tomas. He is not sure why he thought this and told investigators he was surprised to see Tomas standing there. Tomas had the knife in his right hand held up high in a stabbing motion. Tomas said "why don't you just fucking shoot me," or words to that effect.

Butler said Tomas then came running out directly at him, looking at him and making eye contact. There was no doubt in his mind that Tomas was heading for him with the knife. He felt danger and as Tomas breached the threshold of the door, he began firing. He fired three rounds then paused and Tomas continued toward him. He fired two additional rounds and when he finished firing,


Tomas was approximately 3 to 4 feet from the muzzle of his handgun.

Deputy Jeffrey Peterson, stated he monitored Butler's, request for assistance regarding a barricaded suspect at the location. He responded and upon arrival he entered the location via the front door. Deputies had their guns drawn and were in the living room securing the northwest bedroom door where Tomas was barricaded.

Peterson said he took up a position in the east part of the living room, using a portion of the kitchen wall for cover. He confirmed Butler and Hopping took cover behind the sofa, while Biagini deployed the Arwen at the front door. He confirmed that Drucker was negotiating with Tomas, trying to get him to come out, put the knife down, or release [redacted].

Peterson said he was designated by Duran as part of the arrest team because his angle put [redacted] in the line of fire, if a round went through the wall while [redacted] was still in the room. Peterson confirmed he was briefed about the tactical plan, and provided its contents for investigators.

Peterson said when the time came to implement the plan, he heard the countdown via radio and then saw Drucker kick on the bedroom door. He then heard a lot of commotion coming from the bedroom and the sound of the Arwen being fired numerous times. Based on the amount of noise he heard, it sounded like deputies had removed [redacted] from the room. Tomas was screaming, however, he could not remember exactly what Tomas said.

Peterson said when he heard all the noise and the sound of the Arwen, he moved to a position more toward the middle of the living room. He wanted to reposition himself in order to remove himself from the line of fire if other deputy personnel (from the back of the house) began firing, and for a better view of the bedroom.

Peterson said when the bedroom door opened he saw Tomas standing behind it, saw him raise the knife up over his head in a stabbing motion, and heard Tomas yell something to the effect of "you are going to have to kill me." Tomas then came running out towards himself and Butler. He didn't know if Tomas was intent on attacking him or Butler, but he believed they were both in imminent danger and he feared for their lives. He added if Tomas had made it past them and out the front door of the location, there were also deputies out there and he felt Tomas was going to "take somebody out."

Peterson said Tomas took 1 or 2 steps into the living room and he fired. He did not know how many shots he fired at the time, but later learned he had fired three times. He heard other deputies firing at the same time he did and saw Tomas fall to the floor. He covered Tomas momentarily, and then approached him.

Peterson said he could not see Tomas' left arm because Tomas was lying on it, or the knife. He pulled Tomas' left arm out from under him and at that time observed the knife lying just ahead and to the right of Tomas.

Deputy Harry Drucker, stated he was assigned to assist on the call at the location. While enroute, the call was updated indicating that an individual, whom the informant had a restraining order against, had broken into the location, pulled the informant from the phone and was now fighting with the occupants.

Drucker said he then monitored Butler requesting assistance regarding a barricaded suspect in the

bedroom of the location, with a small child. Butler requested a unit to the rear of the residence, so upon arrival he went to the rear of the house. He noticed security bars on the windows and since there was no immediate threat of suspect escape, due to the bars, he went back to the front and entered the house. He added that Butler's radio seemed to malfunction at that point, so he handled the radio traffic, directing desk personnel to notify SEB regarding the barricaded suspect and other arriving units to the location.

IAB NOTE: Deputy Hoefler was notified of this incident by SCC personnel per Drucker's request.

Drucker confirmed Hopping was initially talking to Tomas, attempting to get him to surrender. After setting units up inside the location, he relieved Hopping and began to negotiate with Tomas. He was initially on the east side of the door, however, due to the commotion of deputy personnel evacuating family members, he could not hear Tomas. He then moved to the west side of the door and crouched down, while other deputies moved a couch and coffee table for additional room.

Drucker said he learned from Tomas that he was upset with his marital relationship with [redacted]. The common theme over and over seemed to be the fact [redacted] would not give Tomas a second chance (at their [redacted] after Tomas had given her a second chance for something she had done. Drucker was not exactly sure of Tomas' or [redacted]'s positions within the room. This information was subsequently related to him by other deputies.

Drucker said during negotiations he asked Tomas what he wanted and was informed Tomas wanted to hear [redacted]'s voice. He told Tomas he could hear her voice if he would put the knife down, let [redacted] go and come out. Tomas refused and told Drucker if he came out, the deputies would just take him away in handcuffs and [redacted] would be happy and laughing at him.

Drucker said a common theme throughout negotiations with Tomas, was his insistence that [redacted] was only worried about [redacted] and not about him or their [redacted] He tried to assure Tomas that was not the case and told him if he put the knife down, let [redacted] go and would assure him of [redacted]'s safety, he (Drucker) would let him talk with [redacted].

Drucker said Tomas started saying "no, it's too late...I am going to come out running, I want you guys to shoot me." Tomas also said "I am going to swing my knife at whoever is in front of me", or words to that effect. Tomas made statements like these, plus "I am going to end it," at least 8 to 10 times during the negotiations.

Drucker said Tomas kept going back and fourth about talking with [redacted]. Each time he mentioned talking with her, he would tell Tomas to let [redacted] go, so he could be with his [redacted] At one point, Tomas said "tell them (the deputies) to get away from the window and stop doing that, I am going to end it." Drucker then radioed for the deputies in the rear to move back from the window. Tomas complained about having lights shined in his face and Drucker told him to put the knife down and the deputies would shine the light on it instead. Tomas refused to put the knife down or let [redacted] go to his [redacted]

Drucker said he urged Tomas to let [redacted] go on several occasions and each time, Tomas refused saying the deputies would rush in and "get him out." He told Tomas he did not have to surrender, as long as he let [redacted] go. He then offered Tomas a trade, which consisted of a note from [redacted] written to him, in exchange for the release of [redacted]. Tomas wanted the note first and at times would change the conversation to his coming out of the room swinging the knife.

Drucker said every time Tomas changed the conversation in that direction, he would say he could see [redacted] writing the note. When the note arrived, he offered Tomas a trade, the note for [redacted]'s release. Tomas demanded the note first and put his fingers under the door to receive it. Drucker told Tomas to pass the knife under the door, but he refused.

Drucker said he and Duran removed a portion of the carpet from under the door, to facilitate passing the note and the knife. He then offered to read the note to Tomas, in exchange for [redacted]. Tomas refused this also, but moments later said he was thinking of releasing [redacted]. Drucker gave the other deputies this information, then heard Tomas call [redacted] to him, asking for a kiss. He added at this point, he thought Tomas was going to release [redacted], however it did not happen.

Drucker said he finally gave the note to Tomas, but Tomas did not believe the note was written by [redacted]. He assured Tomas he saw [redacted] write the note, however Tomas did not believe this either. Drucker told investigators that Romero and Perrou assisted him during negotiations. They provided questions which would help to indicate if Tomas was suicidal.

Drucker said that at some point in the negotiations, he was advised by deputies in the rear, that they were ready to use the Arwen, and advised him to move in a westerly direction if he heard it being utilized.

Drucker said after the note failed, a tape recording of [redacted]'s voice was made to help get Tomas to surrender. He went through much of the same bargaining process with the tape as he had with the note. None of that worked either and he eventually played the tape recorded message for Tomas. CNT personnel assisted [redacted] in choosing words which would not upset Tomas, for the tape.

Drucker said the tape did not work either, and only seemed to agitate Tomas further. Tomas was mad because there was no statement on the tape indicating [redacted] still loved him. He then heard Tomas tell [redacted] to cover his eyes and thought Tomas was going to stab himself. This thought occurred because Tomas made the statement he wanted to cut his heart out and give it to [redacted]. He told Tomas not to let [redacted] see him "like this," and again urged him to release [redacted].

Drucker said when the decision was made to bring [redacted] to the front door of the house to negotiate, he told Tomas he could speak to [redacted] if he (Tomas) let [redacted] go out the back window with the deputies. He said once again, Tomas refused to release [redacted].

Drucker said eventually [redacted] was allowed to talk with Tomas and told him that their daughter, [redacted] was asking for [redacted]. Tomas then started yelling at [redacted], thus making it impossible for her to negotiate with him. [redacted] was removed from the area and Drucker told Tomas he had done his part, (in letting him talk with her) and urged Tomas to do his part and let [redacted] go out the window.

Drucker said Tomas then started asking for [redacted] and began rambling incoherently. Tomas said "this is it...I am going to end it...I am going to come running out there and I want you guys to shoot me." Drucker responded by saying he did not want to do that and reminded Tomas that if he did do what he threatened, [redacted] might get hurt.

Drucker said he told Tomas to do what he wanted to do, but he needed to send [redacted] out the back window, so he was not injured. Tomas responded by saying "I am thinking about doing that."

Drucker said as Tomas began to ramble he heard him tell [redacted] to cover his eyes again. A short

while later [redacted] was brought into the situation and conversed with Tomas from the kitchen doorway. Some of [redacted]'s conversation was in Spanish and some in English. [redacted] told Tomas to give up and just come out of the room, but Tomas refused.

Drucker said when the decision was made to go tactical he monitored the countdown via 480 radio. He moved to the center of the room and kicked on the door one time. The door opened slightly and he could tell Tomas was still leaning against it, as it quickly closed again.

Drucker said he then moved in an easterly direction down a hallway. He heard yelling inside the bedroom and heard Tomas yell "mijo come here." Based on that statement he felt Tomas was going after [redacted]. This was followed by the sound of the Arwen being fired several times. He then heard a lot of noise coming from the room and he thought deputy personnel had entered the room and were struggling with Tomas.

Drucker said just then the bedroom door came open and he stepped to his left for a better view. He pointed his handgun at the door and reached back to grab his O/C spray. His intention was to spray Tomas with O/C, if he exited the bedroom and was stunned by the Arwen rounds or if the opportunity presented itself.

Drucker said he never got a chance to deploy the O/C spray because Tomas came charging out of the room so fast, he was almost a "blur". He followed Tomas with his gun sights and noticed that Tomas was holding the knife high up in the air in his right hand.

Drucker said Tomas was definitely running at Butler, who was the closest deputy to him and was positioned behind the couch. As he followed Tomas with his gun sights, he caught sight of Hopping, who was also behind the couch adjacent to the west wall of the room. Drucker told investigators there was "definitely a cross fire" between himself and Hopping, so he lowered his gun and took cover. Within these few split seconds, shots were fired and Tomas fell to the floor.

Drucker said he saw a wound to Tomas' head and noted lots of bleeding. At this point, Tomas was no longer a threat and Drucker moved to the kitchen. He heard someone order the residence cleared and exited via the kitchen door. He saw [redacted] standing in front of the garage yelling for [redacted]. Drucker responded to the rear of the house, where he saw Van Beek holding [redacted].

Drucker said Van Beek told him [redacted] was not injured and he told Van Beek to take [redacted] to [redacted]. Van Beek followed his instructions and [redacted] was reunited with [redacted].

Sergeant Henry Romero, #[redacted], CNT, stated he arrived at 0345 hours and was briefed by on scene personnel. Romero said he was informed of Tomas' background regarding his [redacted] and of the tactical plan to extract [redacted] if necessary. He spoke with Perrou and they viewed Tomas together through the north bedroom window. Perrou told him they wanted to negotiate with Tomas in an effort to get [redacted] out.

Romero said he was assigned to assist Drucker with negotiations and had Drucker ask Tomas if he was going to kill himself. He never actually heard Tomas say he was going to kill himself, but rather that "it's over...it's never going to work, it is just not going to happen."

Romero reiterated the same information about the note and tape recording from [redacted] and indicated neither worked. He said they were running out of options, so they allowed Tomas to talk to [redacted], but only after [redacted] had been briefed by CNT personnel.

Romero said [redacted] did a good job by saying she loved Tomas, that things would work out, and by pleading with him to surrender. Tomas refused to surrender and kept saying he knew it was over between them and then began to "ramble on."

Romero said Tomas then demanded to talk with [redacted], so they complied. Tomas and [redacted] seemed to "click" and he felt [redacted] was going to talk Tomas into surrendering. Tomas then started saying he was sorry, it was not going to work out and requested [redacted] to tell [redacted] he loved her.

Romero said Tomas then ordered [redacted] to cover his eyes, and then to "come here." It sounded to him like [redacted] did not comply and it was at this point, Fortner made the decision to implement the tactical plan. After the 3 count, Drucker kicked on the door, and Romero heard a lot of commotion going on inside the room. He estimated the noise continued for 5 to 7 seconds, after which, the door swung open.

Romero said he then began backing away from the doorway in an easterly direction along the north wall. He did this because he knew there were 3 designated shooters and wanted to remove himself for safety reasons. As he backed up, he heard Tomas yell "kill me, kill me, go ahead and shoot me, shoot me, kill me." Tomas then ran out of the bedroom holding the knife in his right hand, arm extended up over his head. He thought Tomas looked like a "mad man" running out of the room and he heard Tomas yelling "come and shoot me...kill me." He added it only took a fraction of a second for Tomas to traverse half way across the living room.

Romero said he saw Drucker standing almost in the middle of the room with his gun drawn. Drucker followed Tomas with the gun trained on him, while also backing up in an easterly direction. Romero was still moving backward when he heard the first 2 or 3 shots being fired. He then moved behind a wall in the hallway to seek cover.

Romero said when the shooting stopped, he reemerged from the hallway and saw Tomas lying on the living room floor with a head wound. He saw the knife lying on the floor next to Tomas and a deputy was in the process of handcuffing Tomas. He then ordered all deputy personnel from the house.

Deputy Michael Monteverde, #[redacted], CNT, stated he arrived at the location at 0415 hours. Monteverde said he initially contacted Romero, who briefed him as to the situation. He contacted Perrou who directed him to obtain radios for each team member. While in the process of doing this, Deputy Ha arrived and he briefed her. He subsequently viewed Tomas through the north window of the rear bedroom.

Monteverde said he, Perrou and Fortner discussed negotiation strategy to be employed and the possibility of deploying a tactical move. He believes Fortner was cognizant of the fact negotiations was the best method to resolve the situation, given the fact darkness and time were on their side. As they began to lose darkness, they felt they needed to have a rescue plan for [redacted], and was involved in formulating the tactical plan.

Monteverde said he assisted [redacted] in her negotiations with Tomas. He briefed her as to what to say, brought her up to the location, and stayed with her while she spoke with Tomas.

Monteverde said he was inside the house standing in the doorway between the kitchen and living

room with [redacted], when the shooting occurred. He was there because he was assisting [redacted] in his negotiations with Tomas. He was in voice communications via radio with Perrou, who was at the rear of the house, when Perrou told him the situation was "going tactical."

Monteverde said he moved everyone to the safest positions possible and had [redacted] continue talking to Tomas, to help in creating a diversion while the tactical intervention took place. He heard the Arwen being fired, followed by commotion inside the bedroom.

Monteverde said he started moving [redacted] out of the area, when the bedroom door came open and he heard words to the effect of "shoot me...kill me." Tomas then came running out of the bedroom and got to about the middle of the living room, when he was shot by deputies. He remembers seeing the knife in Tomas' right hand, however, he does not remember Tomas raising the knife in any particular fashion. He remembers Tomas having the knife down, but forward as he came out. Monteverde explained however, that he did not key on the knife, because he was trying to move [redacted] out of the way and remove himself from the area.

Monteverde said after the shooting he escorted [redacted] out the kitchen door because [redacted] was extremely agitated at what had just occurred. He tried to calm [redacted] down and then passed him along to Ha. He reentered the house to make sure things were all right and observed deputy personnel handcuffing Tomas. He then checked on Romero and after finding him to be uninjured, ordered all deputy personnel from the location.

Deputy Anthony Van Beek stated he and his partner, Deputy Albert Verduzco, monitored Butler's request for assistance and responded. Upon arrival they took up a position at the rear of the location, where they could see Tomas through the bedroom window. Tomas was seated on the floor with his back up against the bedroom door and his feet propped up against an open closet door, holding the door closed. said Tomas was holding the knife to his own throat with both hands.

Van Beek said he saw [redacted] lying on the bottom bunk bed, and could hear Drucker negotiating with Tomas from the living room. From what he was hearing, it was obvious Tomas was holding [redacted] in the bedroom against his will. He heard [redacted] cry out several times saying he wanted to leave the room and go to his [redacted] Each of these requests were denied by Tomas.

Van Beek said he and Verduzco removed the security bars and screen from the north bedroom window and he slid the window open approximately 2 to 3 inches. Verduzco then went to the west bedroom window and illuminated Tomas with a flashlight throughout the remainder of the incident. He added the light also assisted in illuminating [redacted].

Van Beek said he stayed in the rear of the house at the north bedroom window throughout the incident. From this position he monitored the negotiations and related the same information as did other witnesses, regarding all the steps deputy personnel went through in an effort to get Tomas to surrender. He believes throughout the entire incident [redacted] desperately wanted to leave the bedroom. He kept whispering to [redacted] to come over close to the window, so he could reach inside and rescue him.

Van Beek said on two occasions [redacted] got close to the window and Tomas ordered him to get back down onto the bed and he complied. Tomas also ordered [redacted] to cover his head with the blanket so that he (Tomas) could kill himself and [redacted] would not see it. Van Beek felt Tomas was putting [redacted] through a lot of psychological or mental trauma, because he told [redacted] to come over to him (Tomas) and give him a kiss good-bye. He heard Tomas tell [redacted] "that is what

your [redacted] wants," (for him to kill himself).

Van Beek said each time Tomas would tell [redacted] to come over to him, [redacted] would refuse, which made Tomas mad. At one point, Tomas yelled to [redacted] "don't make me come over there and get you...don't make me mad...come over here right now." Van Beek could see the sadness, fright and helplessness in [redacted]'s facial expressions.

Van Beek said in his opinion Tomas was suicidal and he outlined the same tactical plan for investigators, as did other witnesses. When the plan was executed, Hutter opened the window, while he reached in and grabbed [redacted]. Duran fired 4 Arwen rounds at Tomas, while he and Perrou pulled [redacted] out of the window. He wrapped [redacted] in a blanket and immediately ran in an easterly direction in order to protect them from any rounds which may have been fired at Tomas.

Van Beek said while he was running east with [redacted], he heard a lot of yelling followed by several gunshots. He was then contacted by another deputy, who told him to turn [redacted] over to [redacted], which he did.

Sergeants Biagini and Duran, and Deputies Hutter, Verduzco, Ha and Jennings stated substantially the same as other witnesses as to how this incident unfolded. Each said they had specific tasks during the incident and described them for investigators.

Sergeant Steve Biagini said he arrived at the location and after assessing the situation he directed deputy personnel in the living room to act as an arrest team and designated shooters, if it became necessary to tactically intervene. He then took up a position at the front door with the Arwen, while Drucker negotiated with Tomas. Biagini stayed in that position for approximately 2 hours, until he was re-assigned to the CP by Lieutenant Fortner.

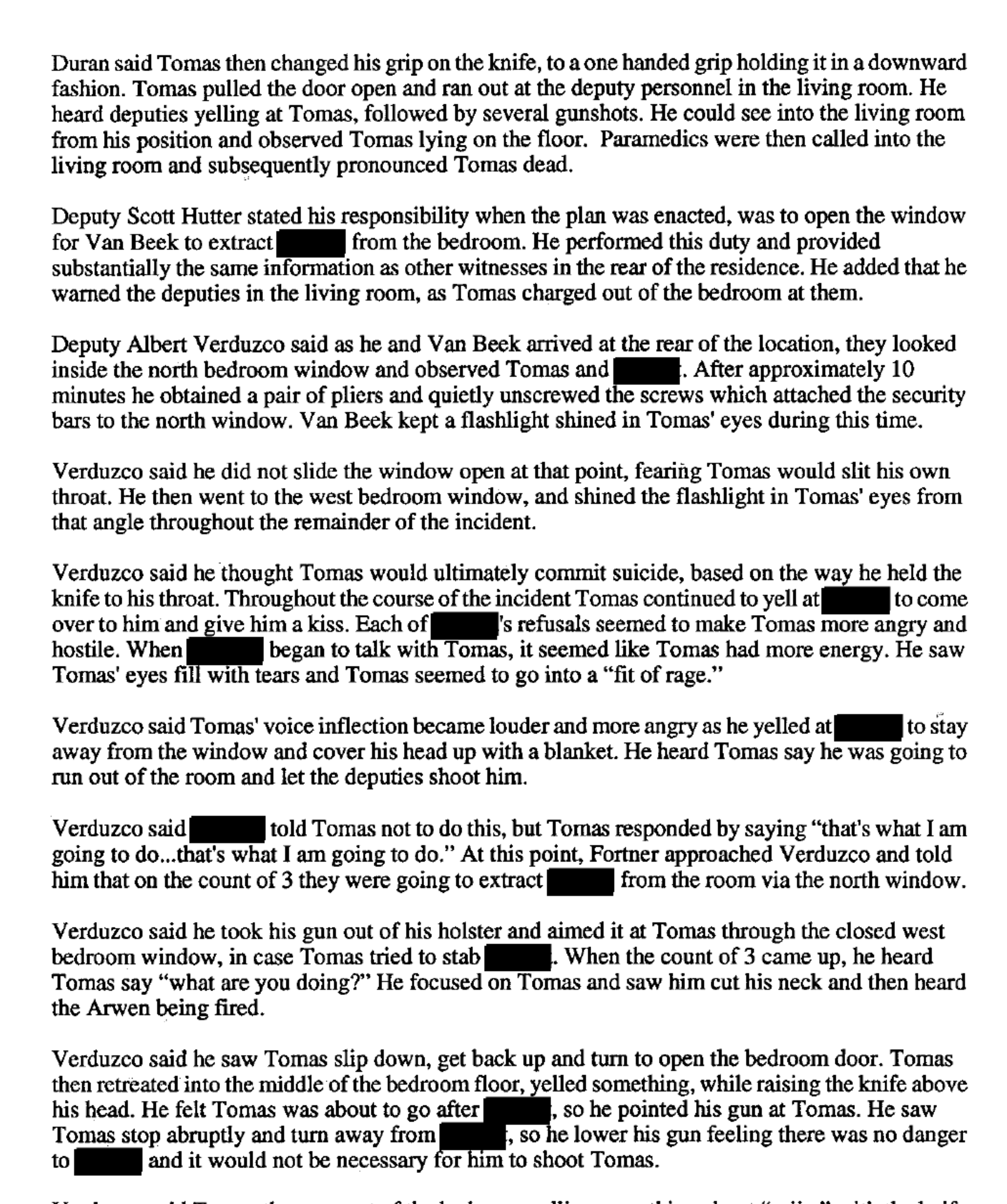
Sergeant Louis Duran said he arrived at the location with the Arwen in response to a request for the weapon by Biagini. He initially deployed the Arwen at the front door in the event Tomas exited. Duran subsequently responded to the rear of the location and conferred with Perrou, while they observed Tomas from the north bedroom window.

Duran said he heard [redacted] pleading with Tomas to let him go to [redacted] and Tomas' subsequent refusal. Throughout the incident he too tried numerous times to coax [redacted] close enough to the window so he could reach inside and rescue him.

Duran said once they determined they were going to rescue [redacted], they were able to coax him close to the window. Hutter then opened the window and as he did, Tomas began to stand up. Duran said Van Beek reached inside the window and grabbed [redacted], while he simultaneously fired one Arwen round at Tomas. Tomas still had the knife held tightly to his neck with both hands. The round was aimed for "center mass", and seemed to keep Tomas seated on the floor.

Duran said Tomas then began to cut his own throat, so he fired a second Arwen round at Tomas' hands, in an effort to stop him from cutting himself. This round had no effect on Tomas, so he fired a third Arwen round, which also struck him in the hand, but also had no effect.

Duran said Tomas stood up and turned slightly to the right, so he fired a fourth Arwen round, which struck Tomas in the area of the left shoulder blade. The fourth round caused Tomas to spin slightly to the right and stopped him for a millisecond.



Duran said Tomas then changed his grip on the knife, to a one handed grip holding it in a downward fashion. Tomas pulled the door open and ran out at the deputy personnel in the living room. He heard deputies yelling at Tomas, followed by several gunshots. He could see into the living room from his position and observed Tomas lying on the floor. Paramedics were then called into the living room and subsequently pronounced Tomas dead.

Deputy Scott Hutter stated his responsibility when the plan was enacted, was to open the window for Van Beek to extract [redacted] from the bedroom. He performed this duty and provided substantially the same information as other witnesses in the rear of the residence. He added that he warned the deputies in the living room, as Tomas charged out of the bedroom at them.

Deputy Albert Verduzco said as he and Van Beek arrived at the rear of the location, they looked inside the north bedroom window and observed Tomas and [redacted]. After approximately 10 minutes he obtained a pair of pliers and quietly unscrewed the screws which attached the security bars to the north window. Van Beek kept a flashlight shined in Tomas' eyes during this time.

Verduzco said he did not slide the window open at that point, fearing Tomas would slit his own throat. He then went to the west bedroom window, and shined the flashlight in Tomas' eyes from that angle throughout the remainder of the incident.

Verduzco said he thought Tomas would ultimately commit suicide, based on the way he held the knife to his throat. Throughout the course of the incident Tomas continued to yell at [redacted] to come over to him and give him a kiss. Each of [redacted]'s refusals seemed to make Tomas more angry and hostile. When [redacted] began to talk with Tomas, it seemed like Tomas had more energy. He saw Tomas' eyes fill with tears and Tomas seemed to go into a "fit of rage."

Verduzco said Tomas' voice inflection became louder and more angry as he yelled at [redacted] to stay away from the window and cover his head up with a blanket. He heard Tomas say he was going to run out of the room and let the deputies shoot him.

Verduzco said [redacted] told Tomas not to do this, but Tomas responded by saying "that's what I am going to do...that's what I am going to do." At this point, Fortner approached Verduzco and told him that on the count of 3 they were going to extract [redacted] from the room via the north window.

Verduzco said he took his gun out of his holster and aimed it at Tomas through the closed west bedroom window, in case Tomas tried to stab [redacted]. When the count of 3 came up, he heard Tomas say "what are you doing?" He focused on Tomas and saw him cut his neck and then heard the Arwen being fired.

Verduzco said he saw Tomas slip down, get back up and turn to open the bedroom door. Tomas then retreated into the middle of the bedroom floor, yelled something, while raising the knife above his head. He felt Tomas was about to go after [redacted], so he pointed his gun at Tomas. He saw Tomas stop abruptly and turn away from [redacted], so he lower his gun feeling there was no danger to [redacted] and it would not be necessary for him to shoot Tomas.

Verduzco said Tomas then ran out of the bedroom yelling something about "mijo," with the knife raised up. This was followed by a series of gunshots. He took cover and remained at his position until the shooting stopped.

Deputy Dawna Jennings stated she assisted with transporting witnesses [redacted], [redacted],

[redacted] and [redacted] to the CP. Sometime later she also drove [redacted] back to the residence so she could negotiate with Tomas.

Jennings said once back at the residence, she was positioned inside the living room and was assigned to take charge of [redacted] in the event Tomas released him. She estimated she remained in the living room in that capacity for approximately 2 hours.

Jennings said she had full knowledge of the tactical plan and once it was determined that [redacted] was going to be removed via the north window, she moved to a position near the front door. As Drucker kicked on the bedroom door, she headed toward the rear of the house, via the west side.

Jennings said as she traversed down the west side of the house, she encountered Verduzco, near the west bedroom window. At this point she heard the sound of the Arwen being fired. Moments later she heard gunshots and she and Verduzco dove for cover. Once the shooting stopped, she headed back to the front of the location and was directed by Fortner to evacuate the civilians, who were in the kitchen.

Jennings said as she did this she noticed [redacted] was very hysterical and concerned about [redacted] Moments later, [redacted] and [redacted] were reunited. Jennings subsequently transported [redacted] and [redacted] to the station.

Deputy Jenny Ha stated she assisted in obtaining [redacted]'s telephone number and called him to the scene. Once [redacted] arrived, she assisted in bringing him to the house and he was positioned in the kitchen doorway during negotiations. She then positioned herself at the kitchen door on the west side of the location.

Ha said [redacted] was with her and she was communicating with [redacted] while [redacted] negotiated with Tomas. She did not see Tomas ultimately come out of the bedroom, nor did she see the deputies shoot him.

Ha said as the shots were fired, her attention was directed to [redacted] who tried to go past her to get into the house. She grabbed hold of [redacted] stopping her and escorted her toward the street in front of the location.